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STATE FOR DRL/MLGA, IO/RHS, L/HRR, AND WHA/CAN

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SUBJECT: CANADA IN THE UNHRC: A CHAMPION FOR HUMAN RIGHTS

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[1](#)C. 08 OTTAWA 793
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Classified By: PolMinCouns Scott Bellard, reasons 1.4 (b) and (d)

[1](#)1. (C) Summary. Canada closed its three year term on the UN Human Rights Council (HRC) with an enhanced reputation as a strong advocate for human rights protection and democracy promotion worldwide. During its term, Canada was a spirited advocate -- condemning human rights abuses, standing alone in rejecting the HRC's "fixation" with Israel, and leading the boycott of the Durban Review Conference. Canada also led in defending freedom of expression against efforts to prohibit "defamation of religion." Canada wants to work closely with the U.S. on the HRC review in 2011 to restore HRC's credibility. Canada plans again to sponsor an Iran resolution in this year's UNGA Third Committee, as it has for the past six years. End summary.

[1](#)2. (C) A leader in human rights promotion since the inception of the UN Declaration of Human Rights, Canada championed human rights protection during its three year term (June 2006-June 2009) on the UN Human Rights Council (HRC). Since taking office in 2006, Conservative Prime Minister Stephen Harper's government has described its human rights policy as "principle-based," with human rights a central pillar of Canadian foreign policy. This "position of principle" drove Canada's challenges to the HRC's institution-building package, its rejection of HRC resolutions on Israeli-Palestinian issues that singled out one party, and its withdrawal from the Durban Review Conference, according to Department of Foreign Affairs and International Trade (DFAIT) contacts. While Canada was disappointed that the HRC includes so many "serial human rights abusers," it continued to fight for a credible and effective HRC governed by impartiality, objectivity, and non-selectivity.

Institution-Building Package and Country Mandates

[1](#)3. (C) DFAIT contacts have acknowledged the HRC's mixed record and have noted that many of HRC's non-democratic members seek to render the HRC "a toothless talk-shop." At the same time, Canada recognizes the HRC's unique place in the international human rights architecture. Canada spent its first year on the HRC engaged on institution-building, and protested that no vote was held on the institutional package in the HRC. Canada joined the U.S. in voting against the institution-building package in both the UNGA Third

Committee (November 2007) and General Assembly (December 2007).

14. (C) Canadian officials publicly expressed disappointment that the institution-building package retained a separate agenda item specifically devoted to the human rights situation in "Palestine and Other Occupied Arab Territories."

Canada's Permanent Representative in Geneva stated that this would "single out one situation for highly politicized, partial and subjective treatment." Canada argued that Middle East issues should have been covered under the existing agenda item for "Human Rights Situations that Require the Council's Attention." According to DFAIT contacts, expectations for the HRC may have been too high. While DFAIT contacts have welcomed the HRC's increased ability to call Qcontacts have welcomed the HRC's increased ability to call special sessions and the level of civil society participation (compared to the previous UN Human Rights Commission), Canadian officials regret the degree to which Council members have pursued political agendas rather than enforcing universal human rights standards.

15. (SBU) Canada promoted the independence of the Special Rapporteurs, advocating a more transparent nomination and selection process. Canadian officials have expressed disappointment with the failure to renew the country mandates for Belarus, Cuba, and the Democratic Republic of Congo. Canada advocated extending the mandate of the Special Rapporteurs on Human Rights in Sudan and North Korea. Since the completion of its term in June, Canada has remained engaged as an observer on the HRC, and is looking forward to the five-year UNGA review of the HRC in 2011.
Universal Periodic Review

16. (SBU) Canada was an early proponent of a system of Universal Periodic Review (UPR) allowing the HRC to review the human rights records of all countries, without exception, and worked intensively to establish its procedures. Canada supported the inclusion of a gender perspective in the UPR principles and had advocated for a three year UPR cycle rather than the current four year system. DFAIT and Canada's Department of Heritage held consultations with civil society organizations in six Canadian cities in January in preparation for Canada's February 2009 UPR. However, DFAIT Human Rights contacts acknowledged privately that the timing of the October 2008 federal election delayed Canada's consultative process and UPR submission. Several Canadian NGOs, including Amnesty International-Canada, criticized the government's civil society consultations as "too little too late." Over fifty NGOs nonetheless submitted reports to the HRC for Canada's UPR.

17. (SBU) On February 3, an 18-member Canadian government delegation led by Deputy Minister of Justice John Sims participated in the UPR Working Group's interactive dialogue session, and presented Canada's actions to protect human rights (ref a). On February 5, the Working Group released its review of Canada, containing 68 specific recommendations. To shape its response, the government held additional stakeholder consultations with parliamentarians, provinces and territories, and a range of aboriginal, human rights, and women's NGOs. Canada also solicited Internet-based input. In June, Canada responded to the UPR by rejecting 14 of the 68 recommendations, and partially rejecting another 22 recommendations. Rejections related to aboriginal rights, anti-poverty programs, and decisions not to seek clemency for some Canadians facing the death penalty abroad.

Block Voting and Dynamics -----

18. (SBU) In February 2008, DFAIT's then-Director General for Human Rights Adele Dion testified to the Canadian Senate's Standing Committee on Human Rights that Canada was trying to "break down that instinct to vote as a block" in the HRC by seeking co-sponsors from across regions and reaching out, issue by issue, to moderate countries within

regional groups. Dion stated that Canada engages bilaterally at senior levels in capitals throughout the world, leveraging its Francophonie and Commonwealth connections. The Canadian Senate's Standing Committee on Human Rights' June 2008 report on Canada and the HRC commented that bloc politics were destroying the HRC. Senators recommended that Canada encourage regional groups to propose more candidates for HRC nomination than seats available, to break the practice of a pre-ordained candidate for the Asia and Africa groupings. DFAIT officials cited the extension of the Sudan Special Rapporteur mandate as an example where intense Canadian/U.S./EU lobbying paid off, although acknowledging that Sudan is a special case in intra-African politics.

¶9. (C) While DFAIT contacts have welcomed the HRC's more frequent meetings (compared to the UN Human Rights Commission), the June 2008 Senate report noted that this frequency can pose challenges for smaller developing countries lacking a permanent HRC presence, who then defer to their regional block for guidance. DFAIT contacts noted that the transition from the UN Commission on Human Rights to the HRC resulted in a net loss of seven seats for the Western Europe and Others Group (WEOG) and Group of Latin American and Caribbean Countries (GRULAC). Asia and Africa now control 26 of 47 HRC seats, providing the Organization of the Islamic Conference (OIC) with one third of the HRC's membership. DFAIT human rights policy officers told poloff that regional groups are led by "hard-liners," and that Egypt controls 27 or 28 seats as chairman of the Non-Aligned Movement (NAM).

¶10. (C) With respect to the U.S. HRC term, DFAIT contacts told poloffs that they recommend lobbying those smaller countries that may not believe that they have a stake in a particular issue in order to demonstrate how the topic does relate to them. They also emphasized the importance of lobbying the EU early in its HRC decision-making processes to ensure that other WEOG views are taken into account. They underscored that Canada looks forward to working closely with the U.S. on the HRC review at the UNGA in 2011 to find ways to restore the HRC's moral authority, credibility, and effectiveness.

Israel

¶11. (SBU) Canadian officials have publicly noted that around 80 pct of HRC resolutions are devoted to Israel-Palestinian issues while many other pressing international human rights issues are entirely ignored. They have added that the number of HRC sessions and resolutions devoted to Israel exceed those in the UN Human Rights Commission. During its HRC term, Canada regularly stood alone in rejecting one-sided resolutions. On January 12, Canada alone voted against an HRC resolution condemning Israel's Gaza offensive, noting that the resolution was "deeply flawed" and "wholly failed" to acknowledge that Hamas rocket attacks had triggered the crisis, and also "ignored a state's legitimate right to self-defense." In March 2008, Canada disassociated itself from a HRC resolution on the right of the Palestinian people to self-determination, which Canada said failed to contribute to an improvement of the situation on the ground. In March 2008, Canada was also alone in opposing two other resolutions introduced by Pakistan on behalf of the OIC dealing with the Golan Heights and Israeli settlements, noting that they were "neither accurate nor balanced," and did not contribute to a peaceful and fair resolution. Canada also disassociated itself from the nomination of the mandate holder on the human rights situation in Gaza and the West Bank, questioning his impartiality and objectivity. DFAIT contacts noted that "serial abusers" of human rights prefer to fixate on Israel to deflect the focus from their own records.

¶12. (SBU) In January 2008, Canada was the sole vote against a resolution condemning Israeli actions in Gaza. Canada criticized the resolution for failing to acknowledge the

respective responsibilities of all parties and Israel's security concerns. In September 2007, Canada was again alone, this time in opposing a resolution introduced by the OIC that called on Israel to provide unfettered access to religious sites, without acknowledging Israel's security concerns. In January 2008 (ref b), Canada was among the first countries to announce that it would not attend the 2009 Durban Review Conference for the UN World Conference Against Racism. Canada also disassociated itself from the final Durban consensus document.

¶13. (SBU) UN Watch, a Geneva-based NGO, ranked Canada at the top of its current HRC scorecard for its support of human rights, impartiality, and non-selectivity. UN Watch praised Canada for its leading, principled role on the HRC in standing up to repressive regimes. Other NGO and opposition critics of Canada's "principled approach," however, have argued that this policy actually makes it harder for Canada to be a bridge-builder and only encourages OIC retaliation against other Canadian initiatives.

Freedom of Expression

¶14. (SBU) Canada is the traditional leader in sponsoring UN resolutions on Freedom of Expression (FOE), and strongly defended the mandate of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression. According to Canadian officials, freedom of religion is an individual right and not a right belonging to a religion. At the HRC Seventh Session in March 2008, Canada introduced a resolution to extend the mandate of the Special Rapporteur on FOE, but two amendments changed the text by instructing the Special Rapporteur to report on instances in which the abuse of the right of FOE constitutes an act of racial or religious discrimination. Canada voted against both amendments, and then abstained on the overall text, stating that religious and racial discrimination were not part of the Special Rapporteur's mandate.

Iran and Other Developments

¶15. (C) DFAIT Human Rights Policy Officers Daniel Ulmer and Cyndy Nelson confirmed to poloffs that Canada will this year again sponsor an Iran resolution in the UNGA Third Committee, as it has done for the past six years. They also predicted that Canada will likely oppose Iran's HRC candidacy next year.

¶16. (SBU) During the HRC's sixth session in fall/winter 2007, Canada joined with like-minded states in opposing several NAM-sponsored HRC motions, such as the "right to international solidarity." The Senate's Standing Committee on Human Rights in May 2007 and June 2008 had called on Canada to appoint an Ottawa-based Canadian ambassador for human rights to serve as Canada's permanent representative to the HRC. The government responded by stating that Canada's Permanent Representative to the Office of the UN in Geneva (supported by DFAIT personnel in Ottawa and New York) already met these needs.

Lessons Learned

¶17. (C) During its HRC term, Canada was the leading voice for the universal applicability of human rights standards, and for holding violators accountable for their actions. Canada has been a consistent advocate of human rights and individual freedom around the world and, as a HRC observer, will continue to be a key global partner on these issues. Canada's HRC and UPR experience points to several lessons for the U.S.: serial abusers of human rights and those who support them outnumber democracies on the HRC by a consistently wide and predictable margin; the U.S. and Canada must promote a more effective HRC by finding ways to break down block voting by forming cross-regional issue-specific coalitions with moderate developing countries on a case by

case basis; it is vital to shape EU policy at the outset of the EU's internal deliberations; and, planning for the UPR requires extensive preparation and a highly transparent consultation process.

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